

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
THOMAS COGHLAN,

Index No.: _____/19

Date Filed: _____/19

Plaintiff,

-against-

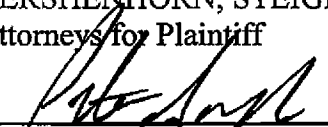
THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
OUR LADY OF REFUGE, and RAYMOND BARRACHINA,Plaintiff designates Bronx
County as the place of trial.Basis of venue: CPLR 503(a)
County in which a substantial
part of the events or
omissions giving rise to the
claim occurred.Defendants.
-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
October 25, 2019

Yours etc.,

GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
HERSHENHORN, STEIGMAN & MACKAUF
Attorneys for Plaintiff

PETER J. SAGHIR
80 Pine Street, 34th Floor
New York, New York 10005
(212) 943-1090

TO: See Attached Service Rider

SERVICE RIDER

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 1st Avenue
New York, NY 10022

OUR LADY OF REFUGE
290 East 196th Street
Bronx, New York 10458

RAYMOND BARRACHINA
290 East 196th Street
Bronx, New York 10458

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
THOMAS COGHLAN,

Index No.: _____/19

Plaintiff,

-against-

VERIFIED COMPLAINT

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
OUR LADY OF REFUGE, and RAYMOND BARRACHINA,

Defendants.
-----X

Plaintiff, complaining of the defendants, by and through his attorneys, GAIR,
GAIR, CONASON, RUBINOWITZ, BLOOM, HERSHENHORN, STEIGMAN & MACKAUF,
respectfully shows to this Court and alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. Upon information and belief, that at all times herein mentioned, defendant, THE
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was and still is a not for profit
religious corporation duly organized and existing under and by virtue of the laws of the State of
New York.

2. Upon information and belief, that at all times herein mentioned, defendant, THE
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, owned a church known as Our Lady
of Refuge located at 290 East 196th Street, Bronx, NY 10458.

3. Upon information and belief, that at all times herein mentioned, defendant, THE
ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, its agents, servants and employees
managed, maintained, operated and controlled the aforesaid church known as Our Lady of
Refuge located at 290 East 196th Street, Bronx, NY 10458.

4. Upon information and belief, that at all times herein mentioned, defendant, THE

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, held itself out to the public as the owner of Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

5. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

6. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

7. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, owned a church known as Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

8. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, its agents, servants and employees managed, maintained, operated and controlled the aforesaid church known as Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

9. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, held itself out to the public as the owner of Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

10. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

11. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was a priest.

12. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was ordained by defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

13. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was a priest in defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

14. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, installed defendant, RAYMOND BARRACHINA, as a Pastor at Our Lady of Refuge.

15. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, served as Pastor at Our Lady of Refuge at the pleasure of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

16. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was on the staff of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

17. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was acting as an agent of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

18. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was an employee of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

19. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was acting in the course and scope of his employment with defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

20. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, hired defendant, RAYMOND BARRACHINA.

21. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, retained defendant, RAYMOND BARRACHINA.

22. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, supervised defendant, RAYMOND BARRACHINA.

23. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was the Pastor at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

24. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, had an office on the premises of Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

25. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was on the staff of defendant, OUR LADY OF REFUGE.

26. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was acting as an agent of defendant, OUR LADY OF REFUGE.

27. Upon information and belief, that at all times herein mentioned, defendant,

RAYMOND BARRACHINA, was an employee of defendant, OUR LADY OF REFUGE.

28. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was acting in the course and scope of his employment with defendant, OUR LADY OF REFUGE.

29. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, hired defendant, RAYMOND BARRACHINA.

30. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, retained defendant, RAYMOND BARRACHINA.

31. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, supervised defendant, RAYMOND BARRACHINA.

32. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was responsible for the staffing and hiring at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

33. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, did the hiring and staffing at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

34. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, was responsible for the staffing and hiring at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

35. Upon information and belief, that at all times herein mentioned, defendant, OUR LADY OF REFUGE, did the hiring and staffing at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

36. Upon information and belief, that at all times herein mentioned, defendant,

RAYMOND BARRACHINA, had complaints of sexual abuse made against him.

37. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known of the aforesaid complaints of sexual abuse against defendant, RAYMOND BARRACHINA.

38. Upon information and belief, that at all times herein mentioned, defendant, RAYMOND BARRACHINA, was a known sexual abuser of children.

39. Upon information and belief, that prior to the times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, received complaints that defendant, RAYMOND BARRACHINA, had been a sexual abuser of children.

40. Upon information and belief, that prior to the times herein mentioned, defendant, OUR LADY OF REFUGE, received complaints that defendant, RAYMOND BARRACHINA, had been a sexual abuser of children.

41. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that defendant, RAYMOND BARRACHINA, had been the subject of complaints of sexual abuse.

42. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that defendant, RAYMOND BARRACHINA, was a known sexual abuser of children.

43. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, could reasonably have anticipated that defendant, RAYMOND BARRACHINA's, sexual abuse complaints and sexual abuse of children would be likely to result in injury to others.

44. Upon information and belief, that at all times herein mentioned, defendants, their

agents, servants and employees failed to investigate the aforesaid complaints against defendant, RAYMOND BARRACHINA.

45. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to properly, adequately and thoroughly investigate the aforesaid complaints against defendant, RAYMOND BARRACHINA.

46. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to report or refer the aforesaid complaints made against defendant, RAYMOND BARRACHINA, to the police or any other agency to be investigated.

47. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees carelessly, negligently and recklessly ignored and dismissed the aforesaid complaints against defendant, RAYMOND BARRACHINA.

48. Upon information and belief, that at all times herein mentioned, the aforesaid complaints against defendant, RAYMOND BARRACHINA, had merit.

49. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that the aforesaid complaints against defendant, RAYMOND BARRACHINA, had merit.

50. That at all times herein mentioned, defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, OUR LADY OF REFUGE, failed to establish policies and procedures directed towards protecting minors from sexual abuse.

51. That at all times herein mentioned, plaintiff, THOMAS COGHLAN, was a parishioner at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458.

52. From approximately 1974 to 1975, defendant, RAYMOND BARRACHINA, sexually abused plaintiff, THOMAS COGHLAN, while plaintiff was still an infant, on church

property at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458, and other locations.

53. From approximately 1974 to 1975, defendant, RAYMOND BARRACHINA, using the trust and authority vested in him by defendants, began grooming plaintiff, THOMAS COGHLAN, while plaintiff was still an infant, to gain the trust of and control over the infant as part of his plan to sexually molest and abuse him.

54. The aforesaid abuse constituted a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law, or a predecessor statute that prohibited such conduct at the time of the act, which conduct was committed against a child less than eighteen years of age.

55. From approximately 1974 to 1975 defendants, their agents, servants and employees knew or should have known that defendant, RAYMOND BARRACHINA, was sexually abusing plaintiff, THOMAS COGHLAN, while plaintiff was still an infant, on church property at Our Lady of Refuge located at 290 East 196th Street, Bronx, NY 10458, and other locations.

56. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known that the sexual abuse by defendant, RAYMOND BARRACHINA, of plaintiff, THOMAS COGHLAN, while plaintiff was still an infant, was ongoing.

57. Defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, OUR LADY OF REFUGE, trained and instructed defendant, RAYMOND BARRACHINA, for his employment at Our Lady of Refuge.

58. Upon information and belief, that at all times herein mentioned defendant, RAYMOND BARRACHINA, was under the direct supervision and control of defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and, OUR LADY OF REFUGE, when he performed the wrongful acts described herein.

59. That the aforesaid occurrences were caused or contributed to by the negligence, carelessness and recklessness and the willful, wanton, and grossly negligent conduct of the defendants, their agents, servants and/or employees, in: selecting, hiring, contracting and retaining defendant, RAYMOND BARRACHINA, to work with the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that defendant, RAYMOND BARRACHINA, had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; selecting, hiring, contracting and retaining defendant, RAYMOND BARRACHINA, when it was known or should have been known to the defendants herein that he did not possess the requisite skills or qualifications to work with children; failing to properly and adequately supervise the conduct of defendant, RAYMOND BARRACHINA, as it related to the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that defendant, RAYMOND BARRACHINA, had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to warn or advise the plaintiff, who was still an infant, his parents and others of defendant, RAYMOND BARRACHINA's, propensity to sexually abuse children and of the fact that he had sexually abused children whom he came in contact with by and through his roles at Our Lady of Refuge; causing, permitting and allowing the sexual abuse to continue; failing to take any measures to stop the sexual abuse when it was known or should have been

known to the defendants herein that the sexual abuse was continuing and ongoing; failing to establish adequate and effective professional training and educational programs and procedures for their employees calculated to prevent the sexual abuse of children; failing to implement any measures or take any steps to prevent defendant, RAYMOND BARRACHINA, from sexually abusing the plaintiff while the plaintiff was still an infant when it was known or should have been known to the defendants herein that defendant, RAYMOND BARRACHINA, had a history of complaints of sexual abuse made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to make any inquiry into the background of defendant, RAYMOND BARRACHINA, before selecting, hiring, contracting and retaining him; failing to make any inquiry into the background of defendant, RAYMOND BARRACHINA, before selecting, hiring, contracting and retaining him when it was known or should have been known before he was hired that defendant, RAYMOND BARRACHINA, had a propensity to sexually abuse children and had a history of complaints made against him; failing to use reasonable care to correct and remove defendant, RAYMOND BARRACHINA, and continuing to retain him when it was known or should have been known to the defendants herein that defendant, RAYMOND BARRACHINA, had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children and was sexually abusing children and that continuing to retain him would be likely to result in injury to others, including the plaintiff while plaintiff was still an infant; causing, permitting and allowing the plaintiff to be sexually abused while plaintiff was still an infant; and in otherwise being careless, negligent and reckless.

60. By reason of the forgoing, plaintiff, THOMAS COGHLAN, sustained physical and psychological injuries, including but not limited to, severe emotional distress, humiliation,

fright, dissociation, anger, depression, anxiety, family turmoil, and loss of faith; a severe shock to his nervous system; certain internal injuries; and has been caused to suffer physical pain and mental anguish, and emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and plaintiff, THOMAS COGHLAN, has been forced to abstain from the duties at his vocation, and has and/or will become obligated to expend sums of money for medical expenses.

61. That by reason of the foregoing, defendants are liable to plaintiff for punitive and exemplary damages.

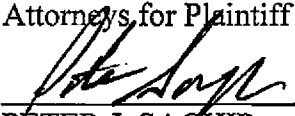
62. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

63. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(5), 1602(7) and 1602(11).

WHEREFORE, the plaintiff demands judgment against the defendants, together with compensatory and punitive damages, together with the interest, cost, and disbursements pursuant to the causes of action herein.

Dated: New York, New York
October 25, 2019

Yours etc.,
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
HERSHENHORN, STEIGMAN & MACKAUF
Attorneys for Plaintiff


PETER J. SAGHIR
80 Pine Street, 34th Floor
New York, New York 10005
(212) 943-1090

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

PETER J. SAGHIR, an attorney at law licensed to practice in the courts of the State of New York, states that affirmant is a partner with the firm of Gair, Gair, Conason, Rubinowitz, Hershenhorn, Bloom, Steigman & Mackauf, attorneys for the plaintiff in the within action; that affirmant has read the foregoing

VERIFIED COMPLAINT


and knows the contents thereof; and that the same is true to affirmant's own knowledge except as to those matters therein stated to be alleged on information and belief and that as to those matters, affirmant believes them to be true.

Affirmant further states that the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County wherein affirmant maintains his office.

The grounds of affirmant's belief are investigation and data in affirmant's possession and consultations had with the plaintiff.

The undersigned affirms that the foregoing statements are true under penalty of perjury.

Dated: New York, New York
October 25, 2019


PETER J. SAGHIR